

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC., and)	
MERSCORP, INC.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:09-CV-00731-CAS
)	
ROBERT BELLISTRI,)	
)	
Defendant.)	

**DEFENDANT’S STATEMENT OF MATERIAL FACTS AS TO WHICH
DEFENDANT CONTENDS A GENUINE ISSUE EXISTS WITH RESPECT TO
PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

1. Whether BNC Mortgage, Inc. ever authorized Plaintiff Mortgage Electronic Registration Systems, Inc. (“MERS”) to assign the Adjustable Rate Note dated March 4, 2002, executed by Glen L. Crouther and payable to BNC Mortgage, Inc. (a copy of which is marked Exhibit A and attached to Exhibit 2—Affidavit of Nichelle Jones as part of Plaintiffs’ Motion for Summary Judgment) (hereinafter sometimes referred to as the “Note”), secured by the Deed of Trust dated March 5, 2002 and recorded March 8, 2002, as Document No. 020012853 of the Jefferson County Records, executed by Glen L. Crouther, a single person, to Millsap, Singer & Dunn, P.C., as Trustee for MERS, acting solely as nominee for BNC Mortgage, Inc., and its successors and assigns, to secure indebtedness in the original principal amount of \$93,595.00 and other indebtedness described therein (Plaintiffs’ Exhibit 3 to Plaintiffs’ Motion for Summary Judgment and Defendant’s Motion for Summary Judgment Exhibit B) (hereinafter sometimes referred to as the “Deed of Trust”) to Ocwen Loan Servicing,

LLC, as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002 HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, as indicated by the Assignment of Deed of Trust dated April 4, 2007 and recorded April 23, 2007 as Document No. 2007R-018586 of the Jefferson County Records (Defendant's Motion for Summary Judgment Exhibit E) (hereinafter sometimes referred to as the "Assignment of Deed of Trust")?

2. Whether Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, had the authority to authorize MERS to assign the Note secured by the Deed of Trust to Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, as indicated by the Assignment of Deed of Trust?

3. Whether Deutsche Bank National Trust Company, in its capacity as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, had the authority to authorize Ocwen Loan Servicing LLC to authorize MERS to assign the Note secured by the Deed of Trust to Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, as indicated by the Assignment of Deed of Trust?

4. Whether Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, authorized MERS to assign the Note secured by the Deed of Trust to Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, as indicated by the Assignment of Deed of Trust?

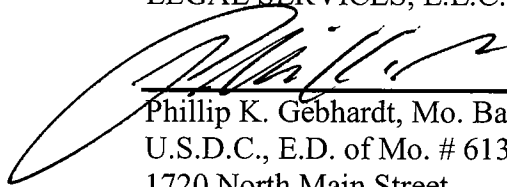
5. Whether Deutsche Bank National Trust Company, as Trustee for the Registered Holders of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, authorized Ocwen Loan Servicing, LLC, in its capacity as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holder of CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-Through Certificates, Series 2002-HE1, as indicated by the Assignment of Deed of Trust?

6. Whether BNC Mortgage, Inc. every executed an instrument (in paper or electronic form) assigning its interest in the Deed of Trust?

7. Whether any of the matters of opinion or hearsay or speculation stated in Plaintiffs' Statement of Material Facts in Support of Their Motion for Summary Judgment are true. See paragraphs 5, 6, 7,8, 9, 10, 11, 13, 14, 15, 16, 17, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and 80 of Plaintiffs' Statement of Material Facts in Support of their Motion for Summary Judgment, if those matters are legally relevant to these proceedings.

Respectfully submitted,

GEBHARDT REAL ESTATE AND
LEGAL SERVICES, L.L.C.,



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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was served in accordance with this Court's electronic filing procedures this 14th day of May 2010 to Mark G. Arnold, Husch Blackwell Sanders, LLP, Attorney for Plaintiff, at mark.arnold@huschblackwell.com, and JoAnn Tracy Sandifer, Husch Blackwell Sanders, LLP, Attorney for Plaintiff, at joann.sandifer@huschblackwell.com.



Copy to Robert Bellistri
F:\Shared Data\Law Clients\Bellistri, Robert\1210 Airglades\MERS v. Bellistri\Statement of Material Facts as to Which Defendant
Contends a Genuine Issue Exists
File No. 09-129-L
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